

CHALOS, O'CONNOR & DUFFY, LLP
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERSAN TERSANECILIK TASIMACILIK
SAN VE TIC A.S.,

Plaintiff,

08 CV 4996 (PAC)

v.

FMG TRADING LTDA,
BUSCAROLI & EILHO LTDA, a/k/a
BUSCARIOLI & EILHO LTDA, a/k/a
BUSCAROLI, a/k/a
BUSCARIOLI, a/k/a
BUSCAROLI & FILHO, a/k/a
BUSCARIOLI & FILHO

**ATTORNEY'S DECLARATION
THAT DEFENDANT
CANNOT BE FOUND
WITHIN THE DISTRICT**

Defendants.

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This declaration is executed by the attorney for the Plaintiff, TERSAN
TERSANECILIK TASIMACILIK SAN VE TIC A.S. (hereinafter "TERSAN"), in order
to secure the issuance of a Summons and a First Amended Process of Attachment and
Garnishment in the above-entitled, *in personam*, Admiralty cause.

Pursuant to 28 U.S.C. § 1746, Owen F. Duffy, declares under penalty of perjury:

1. I am a partner of the firm of Chalos, O'Connor & Duffy LLP representing Plaintiff TERSAN in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendants FMG TRADING LTDA (hereinafter "FMG TRADING") and BUSCAROLI & EILHO LTDA, a/k/a BUSCARIOLI & EILHO LTDA, a/k/a BUSCAROLI, a/k/a BUSCARIOLI, a/k/a BUSCAROLI & FILHO, a/k/a BUSCARIOLI & FILHO (hereinafter "BUSCAROLI") in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of June 30, 2008, the Defendants FMG TRADING and BUSCAROLI are not incorporated pursuant to the laws of New York, are not qualified to conduct business within the State of New York and have not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendants FMG TRADING and BUSCAROLI.

4. I have inquired of Verizon Telephone Company whether the Defendants FMG TRADING and BUSCAROLI can be located within this District. The Verizon Telephone Company has advised me that the Defendants do not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendants FMG TRADING and BUSCAROLI within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendants FMG TRADING and BUSCAROLI can be found within this District.

7. In that I have been able to determine that the Defendants FMG TRADING and BUSCAROLI are not based in the District and that I have found no indication that the Defendants FMG TRADING and BUSCAROLI can be found within this District, I have formed a good faith belief that the Defendants FMG TRADING and BUSCAROLI do not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendants FMG TRADING and BUSCAROLI cannot be found within this District for the purposes of Rule B of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Port Washington, New York
June 30, 2008

CHALOS, O'CONNOR & DUFFY, LLP
Attorneys for Plaintiff,
TERSAN TERSANECILIK
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By:



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